

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|------------------------------------|---|-------------------------------|
| JAMES FRANCIS ANGELUS, |) | |
| |) | |
| Movant, |) | No. 3:09-0302 |
| |) | (Crim. No. 3:04-00072) |
| v. |) | JUDGE ECHOLS |
| |) | |
| UNITED STATES OF AMERICA,) |) | |
| |) | |
| Respondent. |) | |

ORDER

For the reasons stated herein and in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Movant James F. Angelus' Motion to Amend his Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket Entry No. 33) is hereby DENIED because Movant has not provided any facts to justify an amendment to the § 2255 motion;

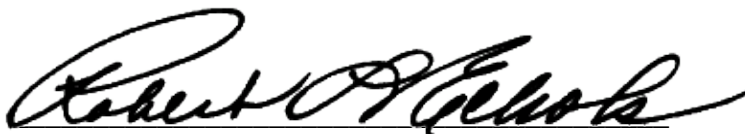
(2) Movant's Motion For The Appointment of Counsel Pursuant To 18 U.S.C. § 3006A(a)(2)(b) (Docket Entry No. 35) is hereby DENIED because the Court finds that the appointment of counsel is not necessary for the Movant to present his claims and for this Court to understand and rule on those claims;

(3) the Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Docket Entry No. 1), is hereby DENIED;

(4) entry of this Order on the docket shall constitute entry of final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a); and

(5) because Movant cannot demonstrate that reasonable jurists would find the Court's assessment of the constitutional claims debatable or wrong, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE